

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
Honorable Edward J. Davila
Courtroom 4 - 5th Floor**

**TITLE: *UNITED STATES v. RAMESH SUNNY BALWANI*
CASE NUMBER: 5:18-CR-00258-2 EJD**

Minute Order and Trial Log

Date: March 30, 2022

Time in Court: 9:00-10:17 AM; 10:33 AM – 12:15 PM; 12:52-3:05 PM

(TOTAL Time: 5 hrs, 17 min)

Courtroom Deputy Clerk: Cheré Robinson

Court Reporter: Irene Rodriguez

APPEARANCES:

Plaintiff Attorney(s) present: Jeffrey Schenk, John Bostic, Robert Leach

Also present: Agent – Christopher McCollow

Paralegals – Maddi Wachs; Sara Slattery

Defendant Attorney(s) present: Jeffrey Coopersmith, Amy Walsh, Stephen Cazares,
Shawn Estrada, Aaron Brecher, Molly McCafferty

Also present: Paralegal – Jennifer Cygnor

Also present: Ramesh Sunny Balwani (out-of-custody)

PROCEEDINGS:

Jury Trial (Day 11):

Jury Trial held March 30, 2022. Testimony held and evidence entered. Further Jury Trial set for April 1, 2022, at 9:00 AM

See attached Trial Log.

The following exhibits were identified and offered:

Plaintiffs: 1106, 1522, 1528, 1562, 1570, 1580, 1595, 5767, 5769, 5771

Defendants: 1288, 7603BB, 9939, 20225, 20046, 3526, 1430, 20451

The following exhibits are admitted into evidence:

Plaintiffs: 1106, 5769, 5767, 1522, 1528, 1595, 5771, 1570, 1580, 1562

Defendants: 1288, 1430, 1525, 7603BB, 9939 (conditionally admitted), 20046, 20225, 20451

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HONORABLE EDWARD J. DAVILA

Case Name: *United States v. Ramesh Sunny Balwani*
Case No: 5:18- CR-00258-2 EJD

TRIAL LOG

TRIAL DATE: March 30, 2022			REPORTER(S): Irene Rodriguez	CLERK: Chéré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		9:00 am	Jury enters Courtroom	
		9:02 am	Court in session; Jury present	
			Court addresses Jury	
		9:03 am	Witness #1 - Erika Cheung seated	
			Defense continues cross-examination	
	Ex. 1288	9:49 am	ADMITTED into Evidence – 2013-11-30 Email String re <i>Both QC Controls for Vitamin D didn't pass</i>	
Obj.	Ex. 7603BB	9:59 am	ADMITTED into Evidence with irrelevant sections redacted – Regulation: CENTERS FOR MEDICARE & MEDICAID SERVICES, HHS, Section 493.931 <i>Routine Chemistry</i>	
Obj.	Ex. 9939	10:09 am	CONDITIONALLY ADMITTED into Evidence on the basis that future witness will authenticate – Theranos Standard Operating Procedure - CLIA Laboratory dated 11/26/2013	
		10:17 am	Court breaks for 16 min	
		10:30 am	Jury enters Courtroom	
		10:33 am	Court in session; Jury present	
			Witness #1 Erika Cheung present; testimony continues	
	Ex. 20225	10:48 am	ADMITTED into Evidence – Feb-Mar 2014 Email String re <i>New QC measure for Edisons</i>	
	Ex. 20046	10:55 am	ADMITTED into Evidence – Mar 2014 Email String re <i>Week 2 Vitamin D results</i>	
Obj	Ex. 3526	11:02 am	Defense OFFERS Exhibit	
			Foundation to be laid	

TRIAL DATE: March 30, 2022			REPORTER(S): Irene Rodriguez	CLERK: Chéré Robinson
PLF	DEFT	TIME	DESCRIPTION	
Obj	Ex. 3526	11:04 am	Defense re-OFFERS for Conditional Admission	
		11:05 am	Court sustains objection	
			Defense withdraws and reserves.	
	Ex. 1525	11:13 am	ADMITTED into Evidence – Feb 2014 Email String re <i>QC for TSK Failed After Re-run</i>	
		11:22 am	Government Re-Direct	
		11:56	Defense Re-Cross	
	Ex. 20451	12:09	ADMITTED into Evidence (Cover page and p. 14 only) – 2013 COLLEGE OF AMERICAN PATHOLOGISTS, <i>2013 Proficiency Testing Manual</i> , ¶ Outlier Detection Technique	
		12:14 pm	Government Re-Direct	
		12:15 pm	Witness excused	
			Jury departs	
		12:16 pm	Court breaks for 37 min	
		12:53	Jury enters courtroom	
		12:54 pm	Court in session – Jury present	
			Government calls Witness #2 – Dr. Mark William Pandori	
		12:55 pm	Witness sworn	
Ex. 1106	Obj	1:08 pm	ADMITTED with limitation (Exhibit not offered for truth of matter; admitted only to indicate state of mind of witness at the time he sought employment with Theranos and to show what information was publicly available) – Joseph Rago, THE WALL STREET JOURNAL, <i>Elizabeth Holmes: The Breakthrough of Instant Diagnosis</i> , Sep. 8, 2013	
Ex. 5769		1:34 pm	ADMITTED into Evidence – Apr. 2014 Email String re <i>ft4 and TSH study results</i>	
Ex. 5767		1:43 pm	ADMITTED into Evidence – Jan. 2014 Pandori/Balwani Email String re <i>Today</i>	
Ex. 1522		1:48 pm	ADMITTED into Evidence – 02/10/2014 Email String re <i>QC for TSH Failed After Re-run</i>	

TRIAL DATE: March 30, 2022			REPORTER(S): Irene Rodriguez	CLERK: Chéré Robinson
PLF	DEFT	TIME	DESCRIPTION	
Ex. 1528		1:52 pm	ADMITTED into Evidence – Feb. 2014 Email String re <i>Both TSH QCs Failed</i>	
Ex. 1595		1:58 pm	ADMITTED into Evidence – 02/27/2014 Email String re <i>Redundancy</i>	
Ex. 5771		2:08 pm	ADMITTED into Evidence – 04/16/2014 Email String re <i>Testosterone QCs Fail</i>	
Ex. 1570		2:26 pm	ADMITTED into Evidence – Feb. 2014 Email String re <i>proficiency testing for LDTs</i>	
Ex. 1580		2:35 pm	ADMITTED into Evidence – Feb. 2014 Email String re <i>proficiency testing for LDTs</i>	
Ex. 1562		2:43 pm	ADMITTED into Evidence – Feb. 2014 Email String re <i>Morning HDL Study Tecan Dilution Results</i>	
		2:55 pm	Court admonishes Jury; Witness #2 released for day	
			Jury departs Courtroom; Witness #2 leaves Courtroom	
		2:56 pm	Court in session re housekeeping matters out of presence of Jury	
		3:05 pm	Court adjourns	
			Further Jury Trial Continued to April 1 at 9:00 AM	
			Housekeeping matters to be heard April 1 at 8:30 AM	